

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>ANU HERU EL,</b>	:	
<b>Plaintiff</b>	:	<b>CIVIL ACTION NO. 3:21-345</b>
<b>v.</b>	:	<b>(MANNION, D.J.) (ARBUCKLE, M.J)</b>
<b>MAURICE STOUTE, et al.,</b>	:	
<b>Defendants</b>	:	

**ORDER**

Presently before the court is the September 13, 2021 Report and Recommendation of Magistrate Judge Arbuckle ("Report"), (Doc. 9), which recommends that the *pro se* complaint of plaintiff Anu Heru El, (Doc. 1), raising claims of harassment and unlawful eviction from his apartment in Scranton, PA, by his landlords Maurice Stoute and Stephen Wzorek<sup>1</sup>, be dismissed without prejudice due to plaintiff's failure to pay the filing fee or file an appropriate motion for leave to proceed *in forma pauperis* and, due to

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<sup>1</sup>The court notes that plaintiff fails to state any basis to invoke the jurisdiction of this court over his complaint as required. See Ransom v. U.S. Federal Govt., 2020 WL 6060975 (D. N.J. Oct. 13, 2020) (holding that "Plaintiff's failure to state a specific legal basis for his claims complicates the Court's analysis of the basis for the Court's jurisdiction which has limits and is a required element of pleading." (citing Fed.R.Civ.P. 8(a) ("A pleading that states a claim for relief must contain ... a short and plain statement of the grounds for the court's jurisdiction."))).

plaintiff's failure to keep the court apprised of his address as required. In his Report, Judge Arbuckle details the plaintiff's deficiencies which lead to his recommendations. No objections have been filed to the Report. Based on the court's review of the record in this matter, the Report will be adopted in its entirety, and plaintiff's complaint, (Doc.1), will be dismissed without prejudice. See Pedro v. EEOC, 2021 WL 2903091 (E.D. Pa. July 8, 2021) (court dismissed *pro se* plaintiff's case holding that "[it] cannot advance if she does not pay the applicable fees or file a motion for leave to proceed *in forma pauperis* that complies with §1915.") (citing Rizvi v. Maryland Dep't of Soc. Servs., 791 F.App'x 288, 289-90 (3d Cir. 2019) (upholding dismissal of litigant's case without prejudice for failure to prosecute when he failed to pay the fees as directed)).

When no objections are made to the report and recommendation of a magistrate judge, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed.R.Civ.P. 72(b); advisory committee notes; see *also* Univac Dental Co. v. Dentsply Intern., Inc., 702 F.Supp.2d 465, 469 (M.D. Pa. 2010) (citing Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not,

the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); M.D. Pa. L.R. 72.31.

The court has reviewed the Report of Judge Arbuckle, as well as the record, and the court will adopt the Report and dismiss the complaint without prejudice.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

- (1) The Report of Judge Arbuckle, (Doc. 9), is ADOPTED IN ITS ENTIRETY;**
- (2) The plaintiff's complaint, (Doc. 1), is DISMISSED WITHOUT PREJUDICE; and**
- (3) The Clerk of Court is directed to CLOSE THIS CASE.**

s/ Malachy E. Mannion

**MALACHY E. MANNION**  
**United States District Judge**

**DATE: October 5, 2021**

21-345-01